

RNN/m

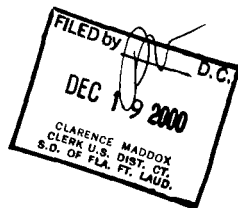
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: **00-6366** CR-DIMITROULEAS

18 U.S.C. § 911
18 U.S.C. § 1001
18 U.S.C. § 1028(a)(4)
18 U.S.C. § 1028(a)(6)

**MAGISTRATE JUDGE
SNOW**

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.)
)
MOHAMMED BRAISH,)
)
Defendant.)
_____)



INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about December 3, 2000, at Broward County, in the Southern District of Florida,
the defendant,

MOHAMMED BRAISH,

an alien, did falsely, knowingly and willfully represent himself to be a citizen of the United
States, in violation of Title 18, United States Code, Section 911.

COUNT 2

On or about December 3, 2000, at Broward County, in the Southern District of Florida,
the defendant,

NR

MOHAMMED BRAISH,

in a matter within the jurisdiction of the Immigration and Naturalization Service, an agency of the United States, did knowingly and willfully use a material false writing and document by presenting to the Immigration and Naturalization Service a false New York birth certificate, knowing the same to be false; that is, the defendant was not born in the State of New York as represented in the document, in violation of Title 18, United States Code, Section 1001.

COUNT 3

On or about December 3, 2000, at Broward County, in the Southern District of Florida, the defendant,

MOHAMMED BRAISH,

in a matter within the jurisdiction of the Immigration and Naturalization Service, an agency of the United States, did knowingly and willfully use a material false writing and document by presenting to the Immigration and Naturalization Service a false New York driver license, knowing the same to be false; that is, the defendant had not been issued a New York driver license as represented in the document, in violation of Title 18, United States Code, Section 1001.

COUNT 4

On or about December 3, 2000, at Broward County, in the Southern District of Florida, the defendant,

MOHAMMED BRAISH,

did knowingly possess a false identification document, that is, a false New York birth certificate, with the intent that such document be used to defraud the United States, that is, to secure entry into the United States, in violation Title 18, United States Code, Section 1028(a)(4).

COUNT 5

On or about December 3, 2000, at Broward County, in the Southern District of Florida,
the defendant,

MOHAMMED BRAISH,

did knowingly possess a false identification document, that is, a false New York driver license,
with the intent that such document be used to defraud the United States, that is, to secure entry
into the United States, in violation Title 18, United States Code, Section 1028(a)(4).

COUNT 6

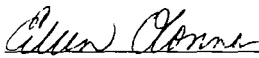
On or about December 3, 2000, at Broward County, in the Southern District of Florida,
the defendant,

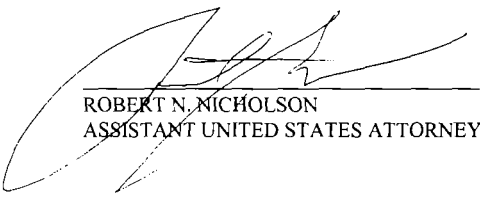
MOHAMMED BRAISH,

did knowingly possess an identification document that appeared to be an identification document
of the United States, that is, a Federal Bureau of Prisons employee identification card, which
document was produced without lawful authority, and knowing that such document was
produced without such authority, in violation of Title 18, United States Code, Section 1028(a)(6).

A TRUE BILL

FOREPERSON


GUY A. LEWIS
UNITED STATES ATTORNEY


ROBERT N. NICHOLSON
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

v.

CERTIFICATE OF TRIAL ATTORNEY*

MOHAMMED BRAISH

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes ____ No ____
Number of New Defendants ____
Total number of counts ____X Miami ____ Key West
FTL ____ WPB ____ FTP

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) YES ____
List language and/or dialect Arabic

- This case will take 2-3 days for the parties to try.

- Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u> ____	Petty	____
II	6 to 10 days	____	Minor	____
III	11 to 20 days	____	Misdem.	____
IV	21 to 60 days	____	Felony	<u>X</u> ____
V	61 days and over	____		

- Has this case been previously filed in this District Court? (Yes or No) NO

If yes:

Judge: _____ Case No. _____
(Attach copy of dispositive order)Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 00-4301-SNOW

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of 12/15/00

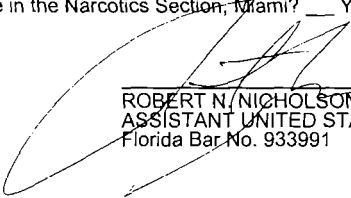
Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) NO

- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No If yes, was it pending in the Central Region? Yes No

- Did this case originate in the Narcotics Section, Miami? Yes X No


 ROBERT N. NICHOLSON
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. 933991

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PENALTY SHEET

Defendant's Name: MOHAMMED BRAISH No.: _____

Count #: 1

False Claim of United States Citizenship

Title 18, United States Code, Section 911

*Max. Penalty: 3 Years' Imprisonment; and a \$250,000 fine

Count #: 2 and 3

Using False Documents Before the Immigration and Naturalization Service

Title 18, United States Code, Section 1001

*Max. Penalty: Penalty: 5 Years' Imprisonment; and a \$250,000 fine

Count #: 4 and 5

Possession of False Identification Document With Intent to Defraud the United States

Title 18, United States Code, Section 1028(a)(4)

*Max. Penalty: Penalty: 1 Year Imprisonment; and a \$100,000 fine

Count #: 6

Possession of False United States Identification Document

Title 18, United States Code, Section 1028(a)(6)

*Max. Penalty: Penalty: 1 Year Imprisonment; and a \$100,000 fine

Count #:

*Max. Penalty:

Count #:

*Max. Penalty:

1 of 1

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

REV. 12/12/96

No.

UNITED STATES DISTRICT COURT

Southern District of Florida
Central Criminal Division

THE UNITED STATES OF AMERICA

vs.

MOHAMMED BRAISH

INDICTMENT

18 USC § 911
18 USC § 21001
18 USC § 1028(a)(4)
18 USC § 1028(a)(6)

A true bill.

For person

Filed in open court this

day;

of

A.D. 19

Clerk

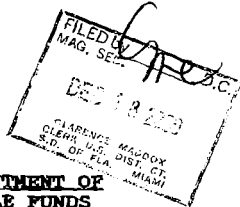
Bail, \$

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO:

00-4301-155

UNITED STATES OF AMERICA,
Plaintiff,
vs.
Mohammed Braish
Defendant.



ORDER ON PARTIAL INDIGENCY FOR APPOINTMENT OF
COUNSEL AND DISTRIBUTION OF AVAILABLE FUNDS

This Cause having come before the Court on request of the Defendant for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. Section 3006A, and the Court having found after hearing that private funds are available for payment by the Defendant for partial reimbursement for the cost of such services, it is hereby,

ORDERED AND ADJUDGED that the above named Defendant shall pay the sum of \$500.00 on or before 2/16/01 to the Clerk of Court for deposit in the Treasury as reimbursement to the appropriation current at the time of payment, pursuant to 18 U.S.C. 3006A(f). Unless such payment is made on or before the above stated date the Court may terminate the appointment of counsel as the interest of justice may dictate. 18 U.S.C. Section 3006A(c). It is further ORDERED that a status conference on reimbursement will be held on 2/27/01 at 10:00 (a.m.) p.m.

DONE AND ORDERED at Miami, Florida, this 18th day of

Dec., 2000.

TAPE NO. 00D-123-2000

c:AUSA
Defense Counsel
Financial Section
Pretrial Services
U.S. Marshal

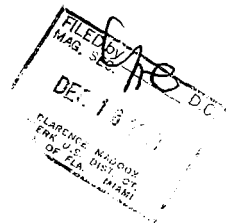
UNITED STATES MAGISTRATE JUDGE
STEPHEN T. BROWN

* Arabic interp reqd.

6
nd

CASE NUMBER 00-4301-SNOW

INTERPRETER REQUIRED IN CASE



FOREIGN LANGUAGE Arabic

DEFENDANT(S) MOHAMMED BRAISH

c: COURT INTERPRETER SUPERVISOR

5
Ad

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-4301-SNOW

UNITED STATES OF AMERICA

Plaintiff,

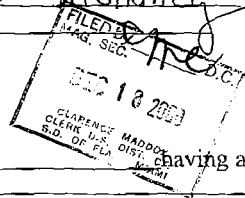
v.

MOHAMMED BRAISH
Defendant.

ORDER ON INITIAL APPEARANCE

Language Hebrew
Tape No. 00D-123-2000
AUSA Mike Mullaney
Agent _____

DOB: 1-1-78
Reg # 66735-004



The above-named defendant having been arrested on _____, having appeared before the court for initial appearance on 12-18-00 and proceedings having been held in accordance with F.R.C.P. 5 or 40(a), it is thereupon

ORDERED as follows:

1. _____ appeared as permanent/temporary counsel of record.

Address: _____

Zip Code: _____ Telephone: _____

2. AFDS - Michael Caruso appointed as permanent counsel of record.

Address: _____

Zip Code: _____ Telephone: _____

3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on _____, 2000. 9:30 a.m. 1/3 in FL lauded.
4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 1/3 in FL, 2000.
5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. (Section 3142 (d) or (f)) because at Govt's request 9:30 12/21 in FL.
6. A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 12/21, 2000.
7. The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ☐ a. Surrender all passports and travel document to the Pretrial Services Office.
- ☐ b. Report to Pretrial Services as follows: _____ times a week by phone, _____ time a week in person;

other: _____

- c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ☐ d. Maintain or actively seek full time gainful employment.

MOHAMMED BRAISH

- e. Maintain or begin an educational program.
- f. Avoid all contact with victims of or witnesses to the crimes charged.
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Comply with the following curfew: _____
- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
- j. Comply with the following additional special conditions of this bond: _____

This bond was set: At Arrest _____
 On Warrant _____
 After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

_____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.

8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 18th day of DECEMBER 000.


UNITED STATES MAGISTRATE JUDGE
STEPHEN T. BROWN

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation



**United States District Court
Southern District Of Florida
Miami, Florida**



To: St. Landersdale
Company: Mag Section
Department: _____
Fax #: (954) 356-7907
(954) 769-5429
Telephone #: _____
Number of Pages
including cover: 5

From: Maldon
Date: _____
Department: Magistrate Section
Fax #: (305) 523-5289
Telephone #: (305) 523-5280

Message: Paperwork on Mohammed
Branch - 00-4301-SNOW -
Arabic Interpreter needed.
you need to order

**301 North Miami Avenue
Magistrate Section, Room #392
Miami, Florida 33128-7788**

cr-06366-WPD Document 7 Entered on FLSD Docket 12/20/2000 Pa
United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

529 428

UNITED STATES OF AMERICA

V.

WARRANT FOR ARREST

MOHAMMED BRAISH

CASE NUMBER: 00-4301-Snow

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest MOHAMMED BRAISH

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

did falsely represent himself to be a citizen of the United States; did, in an matter within the jurisdiction of the Immigration and Naturalization Service, knowingly and willfully use a false document knowing same to contain a materially false statement and entry, that is: a counterfeit New York birth certificate; did knowingly possess a false identification document, that is, a false New York drivers license, with intent that such document be used to defraud the United States, that is, to unlawfully secure entry into the United States; and did knowingly posses an identification document that appears to be an identification document of the United States which was produced without lawful authority, that is: a Federal Bureau of Prisons employee identification card, knowing that such document was produced without lawful authority;

in violation of Title 18 United States Code, Section(s) 911, 1001, 1028(a)(4) and 1028(a)(6)

LURANA S. SNOW

Name of Issuing Officer

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

Date

Fort Lauderdale, Florida

Date and Location

Signature of Issuing Officer

Bail fixed at \$ Detention Requested by LURANA S. SNOW

UNITED STATES MAGISTRATE JUDGE

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above named defendant at

Miami, FL

DATE RECEIVED

12/14/00

NAME AND TITLE OF ARRESTING OFFICER

James A. Tassone

United States Marshal

Southern District of Florida

SIGNATURE OF ARRESTING OFFICER

Edward Purchase, SDUSM

DATE OF ARREST

12/15/00

305

DEFENDANT'S NAME: MOHAMMED BRAISH

ALIAS: _____

LAST KNOWN RESIDENCE: FDC-Miami

LAST KNOWN EMPLOYMENT: _____

PLACE OF BIRTH: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

HEIGHT: 5'5" WEIGHT: 150

SEX: Male RACE: White

HAIR: Brown EYES: Brown

SCARS, TATTOOS, OTHER DISTINGUISHING MARKS: _____

FBI NUMBER: _____

COMPLETE DESCRIPTION OF AUTO: _____

INVESTIGATIVE AGENCY AND ADDRESS: INS - Miami

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

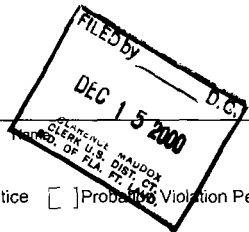
UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

MOHAMMED BRAISH

CASE NUMBER: 10-4341-Snow

TO: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest MOHAMMED BRAISH

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment
 ☐ Information
 ☒ Complaint
 ☐ Order of court
 ☐ Violation Notice
 ☐ Probable Cause Violation Petition

charging him or her with (brief description of offense)

did falsely represent himself to be a citizen of the United States; did, in an matter within the jurisdiction of the Immigration and Naturalization Service, knowingly and willfully use a false document knowing same to contain a materially false statement and entry, that is: a counterfeit New York birth certificate; did knowingly possess a false identification document, that is, a false New York drivers license, with intent that such document be used to defraud the United States, that is, to unlawfully secure entry into the United States; and did knowingly posses an identification document that appears to be an identification document of the United States which was produced without lawful authority, that is: a Federal Bureau of Prisons employee identification card, knowing that such document was produced without lawful authority;

in violation of Title 18 United States Code, Section(s) 911, 1001, 1028(a)(4) and 1028(a)(6)

LURANA S. SNOW

Name of Issuing Officer

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

Signature of Issuing Officer

Date

Fort Lauderdale, Florida

Date and Location

Bail fixed at \$

Detention Requested

by

LURANA S. SNOW

UNITED STATES MAGISTRATE JUDGE

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above named defendant at

DATE RECEIVED

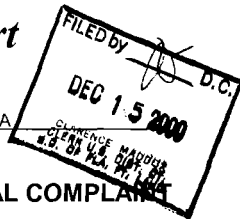
NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

2pb

United States District Court



SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

MOHAMMED BRAISH

CASE NUMBER: 00-4301-SNOW

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 3, 2000 in Broward county, in the

Southern District of Florida defendant(s) did, (Track Statutory Language of Offense)

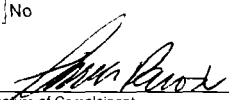
falsely represent himself to be a citizen of the United States; did, in an matter within the jurisdiction of the Immigration and Naturalization Service, knowingly and willfully use a false document knowing same to contain a materially false statement and entry, that is: a counterfeit New York birth certificate; did knowingly possess a false identification document, that is, a false New York drivers license, with intent that such document be used to defraud the United States, that is, to unlawfully secure entry into the United States; and did knowingly posses an identification document that appears to be an identification document of the United States which was produced without lawful authority, that is: a Federal Bureau of Prisons employee identification card, knowing that such document was produced without lawful authority;

in violation of Title 18 United States Code, Section(s) 911, 1001, 1028(a)(4) and 1028(a)(6)

I further state that I am a(n) Special Agent, INS and that this complaint is based on the following facts:
Official Title

Please see attached affidavit.

Continued on the attached and made a part hereof: ☒ Yes ☐ No

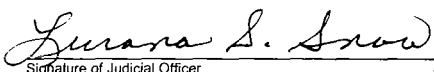

Signature of Complainant
Frank Parodi, Special Agent
Immigration and Naturalization Service

Sworn to before me, and subscribed in my presence,

December 14, 2000
Date

at Ft. Lauderdale, Florida
City and State

LURANA S. SNOW
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

185

AFFIDAVIT

I, FRANK PARODI, being duly sworn, depose and say:

I am employed as a Senior Special Agent with the United States Immigration and Naturalization Service (INS). I am currently assigned to the Miami Joint Terrorism Task Force and have been assigned there for one year and a half. I have been a Special Agent with the Investigations Branch for thirteen and a half years and was an Immigration Officer for fourteen years before that, for a total of twenty seven years of experience with INS. For the past thirteen and a half years as a Special Agent, I have conducted numerous investigations of violations of immigration laws pertaining to document fraud, alien smuggling, and terrorism. Many of those investigations culminated with arrests, convictions, and deportations.

As a Special Agent with the INS, your affiant is authorized to investigate violations of United States Code, Titles 8 and 18.

This affidavit is based upon the personal knowledge of this affiant, the review of evidence obtained during the course of this investigation and upon information provided by other law enforcement officers through the course of their employment in the matters presented therein.

On December 3, 2000, an individual who has identified himself as Mohammed Braish presented himself for inspection by INS inspectors at Ft. Lauderdale/Hollywood International Airport after deplaning from Air Jamaica flight #89 arriving from Kingston, Jamaica. Braish presented a New York State birth certificate and a New York State driver's license in support of his claim of United States citizenship. Braish prepared U.S. Customs declaration form 6059b prior to his INS inspection. In box number 7(a) "Country of Citizenship" he wrote "U.S.C" indicating that he was

a U.S. Citizen. The form was purportedly signed and dated on December 3, 2000. This document was presented to INS officers and was duly stamped on December 3, 2000. Braish was admitted to the United States based upon these documents and proceeded in the direction of the United States Customs Inspection Area. A short time later, Braish attempted to exit the inspection area through an alarmed emergency exit. Braish was located and redirected toward the United States Customs inspection station.

United States Customs' officials conducted a search of Braish's luggage and located a Jordanian passport, #H309492, and other identification documents indicating that Braish is a Jordanian citizen. Braish was escorted back to the INS inspection area for further inquiry.

After being returned to the INS inspection area, Braish was questioned under oath to determine his alienage. The interview was conducted through the use of an Arabic language interpreter because Braish claimed to not speak English. Braish stated under oath that he was born January 1, 1978, in Amman, Jordan, and that he was a Jordanian citizen and not a United States citizen. Braish further stated that he had acquired his Jordanian passport, New York birth certificate, and New York driver's license, number 086361871, from a woman in Jordan named Amal Habibi in exchange for \$1,000. He stated that he still owes another \$1,500 for the transaction, for a total of \$2,500. Braish was also found to be in possession of a United States Federal Bureau of Prisons (BOP) Corrections Officer identification card (form BP-370) bearing #120501, as well as Social Security number 074-60-0131. The Jordanian passport, New York driver's license, and BOP identification card all bear the same photograph of Braish, although it has been enlarged and cropped to appropriate sizes for each document.

Braish stated that he departed from Amman, Jordan, to Madrid, Spain, via Iberia Airlines on November 21, 2000, and remained in Madrid, Spain, for twenty-four hours before flying to Havana, Cuba, again aboard Iberia Airlines, on November 22, 2000. Braish stated that he transited to Kingston, Jamaica, arriving on November 23, 2000. Braish stated that he remained in Jamaica until December 23, 2000, when he traveled to Fort Lauderdale aboard Air Jamaica. This information was confirmed by airplane tickets and itineraries found in his possession. The Jordanian passport carried by Braish contained, on page eleven, a Jordanian exit stamp dated November 21, 2000. Page 8 contained a Jamaican entry stamp dated November 23, 2000. On page nine it contained a single entry visa purportedly issued by the Jamaican Consulate General in New York City on November 2, 2000. During his interview under oath, Braish stated that he had never made a prior entry into the United States.


The BOP identification card found in Braish's possession indicates that it was issued by A.M. Scarpone, Human Resources Manager, MDC Brooklyn. BOP officials have reported that, while A.M. Scarpone does sign these cards for MDC Brooklyn, card #120501 would not have been issued for that institution.

A records check with the New York State driver's license bureau revealed that New York State driver's license number 086361871 has not been issued.

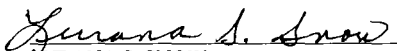
A computerized public records check of social security number 074-60-0131 revealed that the number was not associated with Braish.

Based upon the foregoing, your affiant believes there is probable cause to believe that Mohammed Braish has committed violations of 18 U.S.C. §911, False Claim of United States

Citizenship, 18 U.S.C. §1001, False Statements, and 18 U.S.C. §1028, Possession of False and Fraudulent Identification Documents.


FRANK PARODI, Senior Special Agent
Immigration Naturalization Service

Sworn to before me, and subscribed before
me this 15th day of December, 2000.


LURANA S. SNOW
UNITED STATES MAGISTRATE JUDGE